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June 20, 2024

**BY ECF**

Honorable John G. Koeltl  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

**Re:    *City of Almaty, et. ano., v. Felix Sater, et. al.*, Case No. 19 Civ. 2645 (JGK) (KHP)**

Dear Judge Koeltl:

We write on behalf of Plaintiffs BTA Bank JSC and the City of Almaty to respectfully submit the attached proposed special verdict sheet, as requested by the Court this morning. This verdict sheet is modeled on the one given by the Court in the Triadou action.

Thank you for your consideration.

Respectfully,

/s/ Matthew L. Schwartz  
Matthew L. Schwartz

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

CITY OF ALMATY, KAZAKHSTAN and  
BTA BANK JSC

Plaintiffs,

-against-

FELIX SATER, BAYROCK GROUP INC.,  
GLOBAL HABITAT SOLUTIONS, INC., and  
MEM ENERGY PARTNERS LLC,

Defendants.

19 Civ. 2645 (JGK) (KHP)

**SPECIAL VERDICT FORM**

Question 1:

Do you find that plaintiffs the City of Almaty and BTA Bank have proved by a preponderance of the evidence their claim of Conversion against the defendant Felix Sater, as that claim is defined for you in the Court's instructions?

Yes\_\_\_\_\_ No\_\_\_\_\_

**IF YOU ANSWERED "YES" TO QUESTION 1, PROCEED TO QUESTION 2.**

**IF YOU ANSWERED "NO" TO QUESTION 1, PROCEED TO QUESTION 6.**

Question 2:

If you Answered "Yes" to Question 1, what amount of damages do you find should be awarded to Plaintiffs for Conversion?

\$\_\_\_\_\_

**PLEASE PROCEED TO QUESTION 3.**

Question 3:

If you Answered "Yes" to Question 1, what date should interest be calculated from in relation to the damages you have awarded?

Date:\_\_\_\_\_

**PLEASE PROCEED TO QUESTION 4.**

Question 4:

Do you find that plaintiffs the City of Almaty and BTA Bank have proved by a preponderance of the evidence that Plaintiffs should be awarded punitive damages against defendant Felix Sater?

Yes \_\_\_\_\_ No \_\_\_\_\_

**IF YOU ANSWERED "YES" TO QUESTION 4, PROCEED TO QUESTION 5.**

**IF YOU ANSWERED "NO" TO QUESTION 4, PROCEED TO QUESTION 6.**

Question 5:

If you Answered "Yes" to Question 4, what amount of punitive damages do you find should be awarded to Plaintiffs?

\$ \_\_\_\_\_

**PLEASE PROCEED TO QUESTION 6.**

Question 6:

As to each of the following defendants, do you find that plaintiffs the City of Almaty and BTA Bank have proved by a preponderance of the evidence their claim for Unjust Enrichment, as that claim is defined for you in the Court's instructions?

	<u>Yes</u>	<u>No</u>
(i) Felix Sater	_____	_____
(ii) Bayrock Group Inc.	_____	_____
(iii) Global Habitat Solutions, Inc.	_____	_____
(iv) MeM Energy Partners LLC	_____	_____

**IF YOU ANSWERED "YES" AS TO ANY DEFENDANT, PROCEED TO QUESTION 7.**

**IF YOU ANSWERED "NO" AS TO ALL DEFENDANTS, PROCEED TO QUESTION 9.**

Question 7:

If you Answered "Yes" to Question 6 with respect to any defendant, what amount of damages do you find should be awarded to plaintiffs the City of Almaty and BTA Bank as to those defendants?

(i) Felix Sater	\$_____
(ii) Bayrock Group Inc.	\$_____
(iii) Global Habitat Solutions, Inc.	\$_____
(iv) MeM Energy Partners LLC	\$_____

**PLEASE PROCEED TO QUESTION 8.**

Question 8:

If you Answered “Yes” to Question 6 with respect to any defendant, what date should interest be calculated from in relation to the damages you have awarded as to those defendants?

Date

- |                                      |       |
|--------------------------------------|-------|
| (i) Felix Sater                      | _____ |
| (ii) Bayrock Group Inc.              | _____ |
| (iii) Global Habitat Solutions, Inc. | _____ |
| (iv) MeM Energy Partners LLC         | _____ |

**PLEASE PROCEED TO QUESTION 9.**

Question 9:

As to the following defendants, do you find that plaintiffs the City of Almaty and BTA Bank have proved by a preponderance of the evidence their claim for Money Had and Received, as that claim is defined for you in the Court's instruction?

	<u>Yes</u>	<u>No</u>
(i) Felix Sater	_____	_____
(ii) Bayrock Group Inc.	_____	_____
(iii) Global Habitat Solutions, Inc.	_____	_____
(iv) MeM Energy Partners LLC	_____	_____

**IF YOU ANSWERED "YES" AS TO ANY DEFENDANT, PROCEED TO QUESTION 10.**

**IF YOU ANSWERED "NO" AS TO ALL DEFENDANTS, SKIP THE REMAINING QUESTIONS AND SIGN THE SPECIAL VERDICT FORM.**

Question 10:

If you Answered "Yes" to Question 9 as to any defendant, what amount of damages do you find should be awarded to plaintiffs the City of Almaty and BTA Bank as to those defendants?

(i) Felix Sater	\$ _____
(ii) Bayrock Group Inc.	\$ _____
(iii) Global Habitat Solutions, Inc.	\$ _____
(iv) MeM Energy Partners LLC	\$ _____

Question 11:

If you Answered “Yes” to Question 9 as to any defendant, what date should interest be calculated from in relation to the damages you have awarded as to those defendants?

	Date
(i) Felix Sater	_____
(ii) Bayrock Group Inc.	_____
(iii) Global Habitat Solutions, Inc.	_____
(iv) MeM Energy Partners LLC	_____

**PLEASE SIGN THE SPECIAL VERDICT FORM ON THE NEXT PAGE**



The jury reached the above verdict unanimously.

\_\_\_\_\_  
Foreperson

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DATED:

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New York, New York